IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16533 of 2004

Between:

Raghava Educational Society, (formerly SVS Junior College),Kusumanchi, Khammam District, Represented By its Secretary & Correspondent Sri K. Madhusudhan Rao

..... PETITIONER

AND

1 Government of Andhra Pradesh, Represented by the Secretary, Higher Education Dept., Hyderabad.
2 The Board of Intermediate Education, Government of Andhra Pradesh, Hyderabad rep. by its Secretary
3 Kusumanchi Educational Society, 3-97, Opp. Bus Stand, Kusumanchi, Khammam District Rep by its president Sri P. Ramesh

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction in the nature of Mandamus or ortherwise declaring the impugned proceedings dated 1-9-2004 bearing No. No. PSP/2650/IE.II/2/2004-1 of the Principal Secretary, Higher Education, Government of A.P. Hyderabad (Annexure IX) as wholly illegal, arbitrary, ultra vires the powers of the first respondent and violative of G.O.Ms.NO. 182 dated 10-3-2004 (Annexure (IV) and consequently direct the respondent 1 and 2 implement the said G.O.in its letter and spirit in all respects forthwith.

Counsel for the Petitioner:MR.VILAS V.AFZULPURKAR

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION

Counsel for Respondent No.2 : Mr. S. Satyanarayana Prasad
Counsel for the respondent No.3 : Mr. Bodduluri Srinivasa Rao

The Court at the stage of admission made the following Order :

Petitioner is running an educational institution by name Geetanjali Junior College for Girls at Mancherial, Adilabad district. On an application submitted by the petitioner to the second respondent for shifting the college from Mancherial to Kusumanchi, Khammam District in the name of S.V.S.Junior College, the first respondent, while relaxing Rule 14(4) & (5) of the Rules, under G.O.Rt.No.182 Higher Education (I.E.II) Department, dated 10.03.2004, accorded permission for shifting. Though in the subject of the G.O., it was mentioned 'shifting of Geetanjali Junior College for Girls, Mancherial', in the body, by inadvertence, it was mentioned that permission is accorded for shifting the Geetanjali Junior College for Girls from Mudigonda to Kusumanchi. The petitioner made all preparations for commencing the college at Kusumanchi. Meanwhile, the third respondent filed W.P.No.6921 of 2004 questioning the G.O. and also filed W.P.M.P.No.8998 of 2004 for interim orders. Though no interim orders were granted against the petitioner, the second respondent was not taking further action in pursuance of the G.O. Hence, the petitoner filed W.P.M.P.No.12609 of 2004 for implementation of the G.O. This Court, through its order dated 06.07.2004, dismissed the stay petition filed by the third respondent and also dismissed W.P.M.P.No.12609 of 2004 filed by the petitioner as unnecessary. The orders passed in both the petitions were recorded vice versa. Questioning the order dismissing the stay petition, the third respondent preferred W.A.No.1153 of 2004, which was dismissed on 07.09.2004. The petitioner preferred W.P.No.15461 of 2004 for implementation of the G.O. During the course of hearing, respondents 1 and 2 produced the letter bearing No.PSP/2650/IE.II/2004-I of the Principal Secretary, Higher Education, Government of A.P., Hyderabad issued by the first respondent dated 1.9.2004, wherein the proposal for shifting the Geetanjali Junior College for Girls from Mancherial to Kusumanchi was rejected and the Secretary, Board of Intermediate Education was requested to take necessary action and inform

the same to the Secretary& Correspondent, Geetanjali Junior College for Girls and in view of the same, the writ petition was dismissed on 13.09.2004 with liberty to the petitioner to challenge the G.O.Rt.No.182, dated 10.03.2004, which was inadvertently mentioned instead of proceedings dated 01.09.2004, before appropriate forum. Questioning the said letter, the petitioner filed this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Higher Education, who produced the records.

The record produced before this Court clearly goes to show that a note was circulated to the Principal Secretary, Higher Education, Government of A.P. stating that in the G.O.Rt.No.182, dated 10.3.2004 in the body instead of mentioning 'shifting of Geetanjali Junior College from Mancherial to Kusumanchi,' it was wrongly mentioned as 'shifting of college from Mudigonda to Kusumanchi' and a proposal was made before the Government for correcting the said error, but the same was rejected by the Government.

On perusal of the G.O.Rt.No.182 dated 10-3-2004, it is clear that though the petitioner applied for shifting Geetanjali Junior College for Girls from Mancherial to Kusumanchi, the Government, after considering the representation of the petitioner, granted permission to shift the College from Mudigonda village to Kusumanchi. In the subject of the said G.O., it is clearly stated for shifting of the College from Mancherial, but in the body of the said G.O., it was mentioned as shifting of the college from Mudigonda, which appears to be a typographical error. The letter dated 01.09.2004, issued by first respondent shows that the proposal of the petitioner for shifting the college from Mancherial to Kusumanchi was rejected, which is without assigning any reasons and even without verifying the G.O. issued earlier granting permission for shifting of the College in question from Mancherial to Kusumanchi. In view of the same, first respondent is directed to correct the typographical mistake that was crept in the body of the G.O.Rt.No. 182, dated 10-3-2004 by incorporating 'Mancherial' in place of 'Mudigonda' within a period of three days from the date of receipt of a copy of this order and issue modified G.O. and communicate the same to the petitioner. In case if the permission granted earlier has to be recalled for any reason, without providing an opportunity to the petitioner, the same cannot be

cancelled.

With the above said direction, the writ petition is disposed of.

17.09.2004

Note: Furnish CC by 20.9.2004.

(BO)

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To

1 Government of Andhra Pradesh, Represented by the Secretary,
Higher Education Dept., Hyderabad.

2.The Board of Intermediate Education, Government of Andhra Pradesh, Hyderabad rep. by its Secretary

3.Two CCs. to the G.P. for Higher Education, High Court of A.P. Buildings, Hyderabad.(OUT)

4.Two CD Copies.